

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNION PACIFIC RAILROAD COMPANY,

Plaintiff,

vs.

COLONY NATIONAL INSURANCE
COMPANY,

Defendant.

8:13CV84

ORDER Re: Trial Preparation

1. CIVIL TRIAL SCHEDULE:

This matter is scheduled for trial the week of March 19, 2018, and the first day of trial will be **Tuesday, March 20, 2018**, subject only to the Court's need to commence any previously scheduled criminal trial in which a Speedy Trial Act deadline exists.

2. PRETRIAL MOTIONS:

A. Continuance

Motions to continue trial are referred to the undersigned magistrate judge for decision. Any motion to continue trial must be filed with the Clerk of the Court, together with a supporting affidavit, as soon as is practicable. The moving party shall send a proposed order to the undersigned magistrate at nelson@ned.uscourts.gov.

B. Evidentiary Hearings

Please notify Chief Judge Smith Camp's chambers by email at smithcamp@ned.uscourts.gov immediately upon filing any pretrial motion not already addressed requiring an evidentiary hearing pursuant to Fed. R. Evid. 104 so that a hearing may be held before trial.

3. PRETRIAL SUBMISSIONS:

A. Trial Brief: On or before March 13, 2018, a trial brief as required by NECivR¹ 39.2(a) shall be filed electronically with the Clerk of the Court.

¹ NECivR refers to the local rules for the District of Nebraska. The 2017 rules can be found at <http://www.ned.uscourts.gov/attorney/local-rules>.

- B. **Exhibit List:** On or before March 13, 2018, each party shall email an exhibit list as required by NECivR 16.2(a)(1) to Chief Judge Smith Camp's chambers at smithcamp@ned.uscourts.gov in Microsoft Word format. If the exhibit list was not incorporated into the final pretrial order, then the exhibit list should also be filed electronically with the Clerk of the Court at least seven (7) days before the scheduled date of trial.
- C. **Witness List:** On or before March 13, 2018, each party shall email a witness list as required by NECivR 16.2(a)(2)(D) to Chief Judge Smith Camp's chambers at smithcamp@ned.uscourts.gov in Microsoft Word format. If the witness list was not incorporated into the final pretrial order, then the witness list should also be filed electronically with the Clerk of the Court at least seven (7) days before the scheduled date of trial.

4. **DISCOVERY MATERIAL:**

Parties seeking to submit materials in a manner different from the following requirements must seek leave of the Court. Materials submitted outside of the following deadlines without leave of the Court may be deemed withdrawn. Use of discovery material as substantive evidence is controlled by the Pretrial Order and the following requirements:

A. **Depositions:**

Proponent: The party seeking to use a deposition at trial must deliver a paper copy of the deposition to Chief Judge Smith Camp's chambers at least 24 hours before the deposition is to be presented at trial. If less than the entire deposition will be offered, the proponent must deliver: (1) a list or index designating by page and line(s) the testimony to be offered, and (2) a copy of the entire deposition with highlighted parts to be offered.

Objections: The party seeking to use a deposition at trial must also submit a list or index of unresolved objections to the court in a motion in limine filed electronically at least 24 hours before the deposition is to be presented at trial. The list or index of objections must identify the location of the objection by page and line as well as the precise nature of the objection.

B. **Video Depositions:**

Proponent: At least seven (7) days before trial, the party seeking to use a video deposition must deliver a paper copy of the transcript to Chief Judge Smith Camp's chambers.

Objections: The party seeking to use a video deposition must also submit a list or index of unresolved objections to the court in a motion in limine filed electronically with the Clerk of the Court at least seven (7) days before trial as

required by NECivR 30.1(f). The list or index of objections must identify the location of the objection by page and line as well as the precise nature of the objection. After the Court rules on the unresolved objections, the party seeking to use the video deposition must then edit the video as required by NECivR 32.1.

C. Interrogatories and Requests for Admissions:

Proponent: At least seven (7) days before trial, a party seeking to use interrogatories or requests for admission must deliver a paper copy of the interrogatories or requests for admissions to Chief Judge Smith Camp's chambers.

Objections: The party seeking to use the interrogatories or requests for admissions must also submit a list or index of unresolved objections to the Court in a motion in limine filed electronically with the Clerk of the Court at least seven (7) days before trial. The list or index of objections must identify the location of the objection by page and line as well as the precise nature of the objection. These requirements apply to answers to interrogatories and requests for admissions including matters deemed admitted because unanswered. *See* Fed. R. Civ. P. 36(a).

5. EXHIBITS:

A. Court's Copies:

Each proponent of exhibits must prepare two copies of each original exhibit to be offered. Each set of copies must be placed in three-ring binders. The binders must be numbered in accordance with NECivR 39.3(d) and organized by dividers and numbered tabs for quick retrieval of copies of exhibits during trial. The binders with copies of exhibits must be delivered to Chief Judge Smith Camp's chambers no later than March 13, 2018. **The copies of exhibits delivered to chambers are not the original exhibits to be used at trial.**

B. Original Exhibits:

The parties should deliver original exhibits to the Court in accordance with NECivR 39.3. Exhibits shall be properly listed and identified on the exhibit form supplied by the Clerk of Court's Office, also available at the court website: www.ned.uscourts.gov/local/local.html.

C. Marking of Exhibits:

The parties should number exhibits as required by NECivR 39.3(d). Plaintiff's exhibits will begin with number "101." Defendant's exhibits will begin with the three-digit number rounded to the next hundred after Plaintiff's last exhibit. Additionally, all exhibits must be pre-marked with stickers that indicate whether Plaintiff, or Defendant is offering the exhibit. The Court requests that the parties number their exhibits consecutively.

6. WITNESSES:

A. Lists:

A party's witness list shall include the full name and address for each such witness. Witnesses who do not appear to testify when scheduled will be considered withdrawn.

B. Rule 26 Disclosures and Reports:

At least seven (7) days before trial, the proponent of an expert witness must deliver a paper copy of Fed. R. Civ. P. 26(a)(2) disclosures for each expert witness identified in the Pretrial Order. Any expert whose Rule 26 disclosure is not received by the court within seven (7) days before trial, or earlier if requested by the court, will be considered withdrawn.

7. REQUESTS FOR INTERPRETERS OR COURTROOM EQUIPMENT:

Interpreters: A party requiring an interpreter must notify the courtroom deputy by email at maryroundtree@ned.uscourts.gov or by phone at (402) 661-7337 at least seven (7) days before trial.

Courtroom Equipment: Information regarding courtroom technology is available at www.ned.uscourts.gov/attorney/courtroom-technology. Technology in Judge Smith Camp's courtroom includes: a large flat screen television, document cameras (ELMOs), attorney & witness monitors with annotation abilities, jury box monitors for viewing evidence, video conferencing, telephone conferencing, VHS/DVD player, headsets for the hearing impaired, an easel, and table interfaces at attorney tables to allow connection to laptops for displaying digital documents, video, etc.. Parties requesting a time for technology training, parties requesting the use of the document cameras (ELMOs), and/or parties intending to play a video recording during trial must contact the courtroom deputy by email or phone (listed above) no later than three (3) working days before trial.

8. CONDUCT OF TRIAL:

Chief Judge Smith Camp will meet with counsel in chambers at 8:30 a.m. on the first day of trial. Trial will commence at 9:00 a.m. each day, unless otherwise ordered. Examination of witnesses will be by direct, cross, and redirect examination, but not recross unless authorized by the Court.

9. SETTLEMENT:

By noon on the Friday before trial is scheduled to occur, counsel for all parties shall contact Chief Judge Smith Camp's chambers to receive instructions regarding how the Court may be notified of any settlement reached when the court is not open for business.

It is the responsibility of the counsel for all parties to notify the Court immediately of any settlement.

SO ORDERED.

Dated this 23rd day of February, 2018.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge